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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 DUSTON MILLER

Case No. 2:21-cv-00203-KJD-EJY

17 Plaintiff,

18 v.

19 NEVADA DEPARTMENT OF  
20 CORRECTIONS, *et al.*,

21 Defendants.

22 **REPORT OF ATTORNEY GENERAL  
RE: RESULTS OF 90-DAY STAY AND  
REQUEST TO EXTEND THE STAY  
UNTIL JANUARY 24, 2022—THE  
BUSINESS DAY IMMEDIATELY  
FOLLOWING THE SCHEDULED  
JANUARY 21, 2022 COURT-  
ORDERED (ECF NO. 9) MEDIATION**

23 In accord with a September 30, 2021 screening order (ECF No. 6) that requires the  
24 “Attorney General’s Office [to] advise the Court within 21 days of the date of the entry of  
this order whether it will enter a limited notice of appearance on behalf of Defendants for  
the purpose of settlement” (ECF No. 6 at 16), the Office of the Attorney General (OAG), by  
and through Aaron D. Ford, Attorney General for the State of Nevada, and Alexander J.  
Smith, Deputy Attorney General for the State of Nevada, entered (ECF No. 8) a limited  
notice of appearance on October 21, 2021, on behalf of Defendant Justin Gordon—solely for  
the purpose of settlement discussions.

25 The screening order stays this action for ninety days (expiration date of  
26 December 30, 2021). Further, the order states that:

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2 The Court will refer this case to the Court's Inmate Early Mediation Program,  
3 and the Court will enter a subsequent order. Regardless, on or before 90 days  
4 from the date this order is entered, the Office of the Attorney General will file  
5 the report form attached to this order regarding the results of the 90-day stay,  
6 even if a stipulation for dismissal is entered prior to the end of the 90-day  
7 stay. If the parties proceed with this action, the Court will then issue an order  
8 setting a date for Defendants to file an answer or other response. Following  
9 the filing of an answer, the Court will issue a scheduling order setting  
10 discovery and dispositive motion deadlines.  
11

(ECF No. 15 at 6)

12 Gordon and the OAG hereby inform the court that no mediation with a court-  
13 appointed mediator occurred during the stay, but an October 21, 2021 order (ECF No. 9)  
14 establishes a mediation on January 21, 2022 via video conference with Mr. Kevin D. P.  
15 Kampschrer, Esq. (ECF No. 9 at 1)

16 **Because the mediation order (ECF No. 9) does not extend the ninety-day  
17 stay, the stay automatically expires tomorrow absent judicial intervention;  
18 Gordon and the OAG respectfully request that the court extends the stay until  
19 the business day following the mediation, which will set a new stay expiration  
20 date of January 24, 2022.**

21 DATED this 29th day of December, 2021.

22 AARON D. FORD  
23 Attorney General

24 By: /s/ Alexander J. Smith  
25 ALEXANDER J. SMITH (Bar No. 15484)  
26 Deputy Attorney General

27 *Attorneys for Defendants*

28 ORDER

29 IT IS ORDERED that the stay is extended until January 24, 2022.  
30 NUNC PRO TUNC December 30, 2021



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32 UNITED STATES DISTRICT JUDGE  
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